

REMARKS

Claims 1, 3–16, and 18 are pending. Claim 2 was previously canceled. Claim 17 is presently canceled. Claim 1 is presently amended. Applicants gratefully acknowledge the Examiner's statement that claims 5 and 6 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants respectfully request reconsideration and allowance of all pending claims of this application, or, in the alternative, entry of this amendment to place the application in better form for appeal.

The Office Action objects to claim 17 as “being of improper dependent form for failing to further limit the subject matter of the previous claim.” Claim 17 is canceled.

Claims 1, 8, 10–12, and 14–17 stand rejected under 35 U.S.C. § 102(b) as assertedly being anticipated by U.S. Pat. No. 4,919,773 to Naik.

The Office Action asserts that Naik teaches a hard outer layer of aluminum oxide, and that aluminum oxide comprises aluminum. Applicants respectfully disagree. Aluminum oxide is a compound that is different from the metal aluminum. Applicants have amended claim 1 to clarify the state of the metal and not to narrow the claim. This amendment is fully supported by the specification at, for example, page 10, line 21 and page 11, line 4. Aluminum oxide is a compound that does not comprise purely metal. The aluminum in aluminum oxide is compounded with and bonded to oxygen, and is not purely metal.

Moreover, the layer disclosed in Naik '773 is graded/transitioned from the metallic state on the interior to an exterior composition of boride, carbide, nitride, or oxide. See paragraph spanning columns 6 and 7, as cited in the Office Action. This is directly opposite to the claimed transition layer that has “an exterior first composition comprising purely metal.”

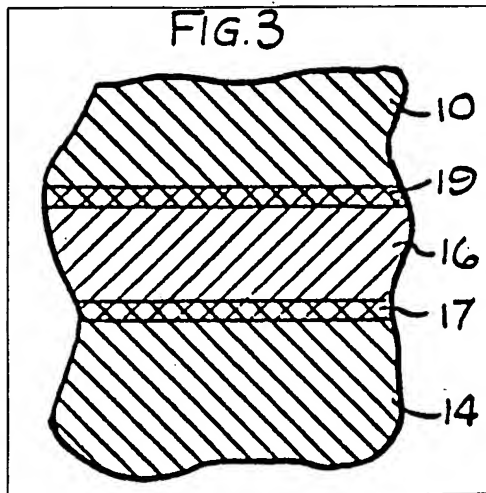
Thus, the '773 patent does not teach the coating claimed in the present application and Applicants respectfully request withdrawal of the rejection based on Naik '773.

Claims 1, 3–4, and 7–18 stand rejected under 35 U.S.C. § 102(b) as assertedly being anticipated by U.S. Pat. No. 5,037,517 to Randhawa. Applicants respectfully traverse this rejection and request reconsideration and withdrawal of the rejection.

The Office Action asserts that the exterior gold layer (1) of Randhawa '517 “will wear away and expose the transparent layer (16) which will in turn allow for the color layer (14) to show through.” The Office Action further asserts that “the transparent layer (16) of Randhawa will be the exterior layer after wearing of the initial gold outer layer and also during the manufacture of the article.” Transparent layer (16) is “pure refractory metal, such as Ti, Zr, or Hf.” Col. 3, lines 42–43.

In stark contrast, claim 1 of the present application, as amended, claims “[a]n article having on at least a portion of its surface, a thin transition layer consisting of a metal bearing material and having a composition that varies from an exterior first composition comprising purely metal to a second composition beneath the exterior first composition, which transition layer is superimposed on a metal bearing color layer . . .” Transparent layer (16) of Randhawa '517 is not a transition layer having an exterior first composition and a second composition beneath the exterior first composition. Transparent layer (16) of Randhawa '517 is “pure refractory metal, such as Ti, Zr, or Hf.” Col. 3, lines 42–43. So, Randhawa '517 does not disclose the claimed invention.

The Office Action also asserts that Randhawa '517 discloses an article with two graded/transitioned layers. There is “a graded interface or transition zone 17 located between hard coating layer 14 and transparent layer 16 and another graded interface or transition zone 19 located between transparent layer 16 and top gold layer 20 [sic—10].” Col. 4, lines 15–19. Figure 3 from Randhawa '517 illustrating these transition zones is shown below.



Randhawa '517 Fig. 3

Transition zone 19 is located between outer gold layer 10 and the transparent layer 16. Transition zone 17 is between transparent layer 16 and gold-colored hard coating layer 14. The transition layer claimed in claim 1 of the present invention is a single transition layer with “an exterior first composition” and is “superimposed on a metal bearing color layer.” Neither transition zone 17 nor transition zone 19 of Randhawa '517 has an exterior first composition and is superimposed on a metal bearing color layer, as claimed in the present application. Transition zone 17 is adjacent to gold-colored hard coating layer 14, and does not have an exterior first composition. Transition zone 19 is not both superimposed on a metal bearing color layer and having an exterior first composition.

“Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick*, 221 USPQ 481, 485 (Fed. Cir. 1984) (emphasis added). Randhawa '517 does not have a transition layer as claimed in the present application. The '517 patent does not disclose the transition layer claimed in the present application and Applicants respectfully request withdrawal of the rejection based on Randhawa '517.

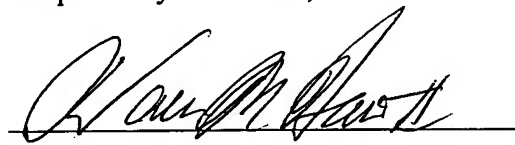
As discussed above, the references cited in the Office Action do not disclose at least one of the elements present in the claims of the present application.

Conclusion:

In view of the above remarks and amendment, it is submitted that claims 1, 3-16, and 18 are in condition for allowance. Prompt notice of such allowance is respectfully requested. Alternatively, applicants respectfully request entry of the amendment to place the application in better form for appeal.

7/2/04
Date

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